

OFFICIAL GOVERNMENT OF GOA GAZETTE



Note: There is one Extraordinary issue to the Official Gazette, Series I No. 15 dated 12-7-2007, Extraordinary dated 17-7-2007 from pages 605 to 607 regarding Notification from Department of Industries.

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Education

Notification

DE/Amendment/2006-07

Whereas certain draft rules which the Government of Goa proposed to make in exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984, (Act No. 15 of 1985), so as to further amend the Goa, Daman and Diu School Education Rules, 1986, were pre-published as required by sub-section (1) of section 29 of the said Act, 1984, in the Official Gazette, Series I No. 41, dated 11-1-2007, under Notification No. DE/Amendment/2006-07, dated 2-1-2007, of the Department of Education, Art and Culture, Directorate of Education, inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication the said Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 11-1-2007.

And whereas the objections and suggestions received from the public on the said draft amendment Rules have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and

Diu School Education Rules, 1986, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa School Education (Amendment) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 78.*— In rule 78 of the Goa, Daman and Diu School Education Rules, 1986, in the TABLE,—

(i) against Sr. No. 2, in column 5, for the existing entries thereof, the following entries shall be substituted, namely:—

“(a) A Degree from a recognized University and a Degree in Education/Teaching from a recognized University, with 7 years teaching experience as an Assistant Teacher in the school after graduation, out of which, 5 years should be post B.Ed./B.T. experience OR

(b) A Degree from a recognized University and Diploma in Education (2 years Course) of any recognized University or a diploma sanctioned as equivalent by the Government, with 9 years teaching experience in the school after graduation, out of which, at least 7 years should be post training experience;

50% of the posts shall be filled from amongst persons having qualifications specified as at (a) above and 50% of the posts shall be filled from amongst persons having qualifications specified as at (b) above”;

(ii) against Sr. No. 6, in column 5, for the existing entries thereof, the following entries shall be substituted, namely:—

“(a) Undergraduate teachers working in the secondary schools having 3 years service in the

grade and possessing qualifications prescribed for direct recruits in column number 4; OR

(b) Undergraduate teachers possessing a Degree from a recognized University and a Diploma in Education (2 years Course) and having 5 years experience, out of which, at least 3 years experience should be after obtaining Diploma in Education.

50% of the posts shall be filled from amongst persons having qualifications specified as at (a) above and remaining 50% of the posts shall be filled from amongst persons having qualifications specified as at (b) above”.

By order and in the name of the Governor of Goa.

Dr. Celsa Pinto, Director of Education.

Panaji, 9th July, 2007.



Department of Law & Judiciary

Legal Affairs Division



Notification

10/2/2005-LA (Part)

The Protection of Human Rights (Amendment) Act, 2006 (Central Act No. 43 of 2006), which has been passed by the Parliament and assented to by the President of India on 13-09-2006 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 14-09-2006, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 15th January, 2007.



THE PROTECTION OF HUMAN RIGHTS (AMENDMENT) ACT, 2006

AN

ACT

further to amend the Protection of Human Rights Act, 1993.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Protection of Human Rights (Amendment) Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) for clause (f), the following clause shall be substituted, namely:—

‘(f) “International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notifications, specify;’;

(b) for clause (g), the following clause shall be substituted, namely:—

‘(g) “Member” means a Member of the Commission or of the State Commission, as the case may be;’;

(c) for clause (i), the following clauses shall be substituted, namely:—

‘(i) “National Commission for the Scheduled Castes” means the National Commission for the Schedule Castes referred to in article 338 of the Constitution;

(ia) “National Commission for the Scheduled Tribes” means the National Commission for the Scheduled Tribes referred to in article 338A of the Constitution;’.

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(a) in sub-section (3), for the words “the National Commission for the Scheduled Castes and Scheduled Tribes”, the words “the National Commission for the Scheduled Castes, the National Commission for the Scheduled Tribes” shall be substituted;

(b) in sub-section (4), for the words “as it may delegate to him”, the brackets, words, figures

and letter “(except judicial functions and the power to make regulations under section 40B) as may be delegated to him by the Commission or the Chairperson, as the case may be” shall be substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) in sub-section (1), for the words “other Members”, the words “the Members” shall be substituted;

(b) in sub-section (2), for the words “vacancy in the Committee”, the words, brackets and figure “vacancy of any member in the Committee referred to in the first proviso to sub-section (1)” shall be substituted.

5. *Substitution of new section for section 5.*—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. *Resignation and removal of Chairperson and Members.*— (1) The Chairperson or any Member may, by notice in writing under his hand addressed to the President of India, resign his office.

(2) Subject to the provisions of sub-section (3), the Chairperson or any Member shall only be removed from his office by order of the President of India on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or the Member, as the case may be, ought on any such ground to be removed.

(3) Notwithstanding anything in sub-section (2), the President may, by order, remove from office the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.”.

6. *Substitution of new section for section 6.*—For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. *Term of office of Chairperson and Members.*— (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.”.

7. *Substitution of new section for section 8.*—For section 8 of the principal Act, the following section shall be substituted, namely:—

“8. *Terms and conditions of service of Chairperson and Members.*— The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.”.

8. *Amendment of section 10.*— In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have the power to lay down by regulations its own procedure.”.

9. *Amendment of section 12.*— In section 12 of the principal Act,—

(a) in clause (a), after the words “or any person on his behalf”, the words “or on a direction or order of any court” shall be inserted;

(b) for clause (c), the following clause shall be substituted, namely:—

“(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;”.

10. *Amendment of section 13.*— In section 13 of the principal Act, after sub-section (5), the following sub-sections shall be inserted, namely:—

“(6) Where the Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provisions of this Act:

Provided that no such complaint shall be transferred unless the same is one respecting which the State Commission has jurisdiction to entertain the same.

(7) Every complaint transferred under sub-section (6) shall be dealt with and disposed of by the State Commission as if it were a complaint initially filed before it.”.

11. *Substitution of new section for section 18.*— For section 18 of the principal Act, the following section shall be substituted, namely:—

“18. *Steps during and after inquiry.*— The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—

(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—

(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;

(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;

(iii) to take such further action as it may think fit;

(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.”.

12. *Amendment of section 21.*— In section 21 of the principal Act, —

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The State Commission shall, with effect from such date as the State Government may by notification specify, consist of —

(a) a Chairperson who has been a Chief Justice of a High Court;

(b) one Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years experience as District Judge;

(c) one Member to be appointed from among persons having knowledge of or practical experience in matters relating to human rights.”;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Two or more State Governments may, with the consent of a Chairperson or Member of a State Commission, appoint such Chairperson or, as the case may be, such Member of another State Commission simultaneously if such Chairperson or Member consents to such appointment:

Provided that every appointment made under this sub-section shall be made after obtaining the recommendations of the Committee referred to in sub-section (1) of section 22 in respect of the State for which a common Chairperson or Member, or both, as the case may be, is to be appointed.”.

13. *Amendment of section 22.*— In section 22 of the principal Act,—

(a) in the marginal heading for the words “other Members”, the word “Members” shall be substituted;

(b) in sub-section (1), for the words “other Members”, the word “Members”, shall be substituted;

(c) in sub-section (2), for the words “any vacancy in the Committee”, the words, brackets and figure “any vacancy of any Member in the Committee referred to in sub-section (1)” shall be substituted.

14. *Amendment of section 23.*— In section 23 of the principal Act,—

(a) for the marginal heading “Removal of a Member of the State Commission”, the marginal heading “Resignation and Removal of Chairperson or a Member of the State Commission” shall be substituted;

(b) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) the Chairperson or a Member of a State Commission may, by notice in writing under his hand addressed to the Governor, resign his office.

(1A) Subject to the provisions of sub-section (2), the Chairperson or any Member of the State Commission shall only be removed from his office by order of the President on the ground

of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such Member, as the case may be, ought on any such ground to be removed.”;

(c) in sub-section (2),—

(a) for the word, brackets and figure “sub-section (1)”, the word, brackets, figure and letter “sub-section (1A)” shall be substituted;

(b) for the words “other Member” at both the places where they occur, the word “Member” shall be substituted.

15. *Substitution of new section for section 24.*— For section 24 of the principal Act, the following section shall be substituted, namely:—

“24. *Term of office of Chairperson and Members of the State Commission.*— (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.”.

16. *Substitution of new section for section 26.*— For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. *Terms and conditions of service of Chairperson and Members of State Commissions.*— The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or a Member shall be varied to his disadvantage after his appointment.”.

17. *Amendment of section 40.*— In section 40 of the principal Act, in sub-section (2), in clause (a), for the word “Members”, the words “Chairperson and Members” shall be substituted.

18. *Insertion of new section 40B.*— After section 40A of the principal Act, the following section shall be inserted, namely:—

“40B. *Power of Commission to make regulations.*— (1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, with the previous approval of the Central Government, by notification, make regulations to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure to be followed by the Commission under sub-section (2) of section 10;

(b) the returns and statistics to be furnished by the State Commissions;

(c) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.”.

19. *Amendment of section 41.*— In section 41 of the principal Act, in sub-section (2), in clause (a),

for the words “the Members”, the words “the Chairperson and Members” shall be substituted.

Notification

10/2/2007-LA

The National Tax Tribunal (Amendment) Ordinance, 2007 (Ordinance No. 3 of 2007), which has been promulgated by the President in the Fifty-eighth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1, No. 13, dated 29-1-2007, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 21st February, 2007.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 29th January, 2007/9 Magha,
1928 (Saka)*

**THE NATIONAL TAX TRIBUNAL
(AMENDMENT) ORDINANCE, 2007**

No. 3 of 2007

*Promulgated by the President in the Fifty-eighth
Year of the Republic of India.*

An Ordinance to amend the National Tax Tribunal Act, 2005.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the National Tax Tribunal (Amendment) Ordinance, 2007.

(2) It shall come into force at once.

2. *Amendment of section 5.*— In section 5 of the National Tax Tribunal Act, 2005 (hereinafter referred to as the 49 of 2005. principal Act), in sub-section (5),—

(i) the words “in consultation with the Chairperson” shall be omitted;

(ii) the following proviso shall be inserted, namely:—

“Provided that no Member shall be transferred without the concurrence of the Chairperson.”.

3. *Amendment of section 6.*— In section 6 of the principal Act, in sub-section (2), in clause (b), for the words “seven years”, the words “five years” shall be substituted.

4. *Amendment of section 13.*— In section 13 of the principal Act, in sub-section (1), the words “or any person duly authorised by him or it” shall be omitted.

A. P. J. ABDUL KALAM,
President.

K. N. CHATURVEDI,
Secy. to the Govt. of India.



Department of Personnel

Notification

1/23/2005-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group ‘C’, Non-Ministerial, Non-Gazetted post, in the Office of the Director General of Police, Government of Goa, namely:—

1. *Short title, application and commencement.*—
(1) These rules may be called the Government of Goa, Office of the Director General of Police, Group ‘C’, Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2007.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the “said Schedule”).

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scale of pay.*— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts as specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the Personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 25th June, 2007.

SCHEDULE

Name/ Designation of post	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/transfer, grades from which promotion/ deputation/transfer is to be made	If a D. S. C./ D. P. C exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making re- cruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Police Sub- -Inspe- ctor (Dog Squad).	One (2007) (Sub- ject to varia- -tion -depend- ent on work- -load).	Group 'C', Non- Ministe- rial, Non- -Gaze- -tted.	Rs. 5500- -175- -9000.	Selec- tion.	N. A.	N. A.	N. A.	N. A.	Two years.	By promotion.	<i>Promotion:</i> Assistant Sub- -Inspector (Dog Squad) with 5 years regular service in the grade.	Group 'C' D. P. C.	N. A.

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